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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,952	08/20/2003	Markus Ziegler	02P14252	5003
24252	7590	10/28/2004	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,952

Applicant(s)

ZIEGLER, MARKUS

Examiner

Thuy V. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 1-10 and 12-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08.20.2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicant's filing on 08/20/2003 and preliminary amendment concurrently filed therewith. In virtue of this preliminary amendment, claims 1-11 are originally filed; claims 12-19 are newly added; and thus, claims 1-19 are now presented in the instant application.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings Accepted

2. The drawings submitted on 08/20/2003 are accepted.

Abstract Objection

3. The abstract of the disclosure included in the preliminary amendment is objected to because of the following informalities:

Line 8, "means of" should be deleted.

Correction is required. See MPEP § 608.01(b).

Claim Objections/ Minor Informalities

4. Claims 1-3, 6-12, 15-19 are objected to because of the following informalities:

Claim 1, line 2, "the" should be changed to --an--;

Claim 1, line 5, "the" should be changed to --a--;

Claim 1, line 8, "the" (second occurrence) should be changed to --a--;

Claim 1, lines 10 and 13, "predeterminable" should be changed to --predetermined--;

Claim 1, line 11, "the" (first occurrence) should be changed to --a--;

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Claim 1, line 13, "the" should be changed to --a--;

Claim 2, line 2, "the" (first occurrence) should be changed to --a--;

Claim 2, line 3, "can be" should be changed to --is--;

Claim 2, line 8, "the" should be changed to --a--;

Claim 2, line 10, "the" (third occurrence) should be changed to --a--;

Claim 2, line 12, "the" should be changed to --a--;

Claim 2, line 15, "the" (first occurrence) should be changed to --a--;

Claim 3, line 3, "can be" should be changed to --is--;

Claim 3, line 6, "the" should be changed to --a--;

Claim 3, line 8, "the" (third occurrence) should be changed to --a--;

Claim 6, line 5, "the" (second occurrence) should be changed to --an--;

Claim 7, line 4, "the" should be changed to --a--;

Claim 7, line 5, "the" (second occurrence) should be changed to --a--;

Claim 8, line 4, "the" should be changed to --a--;

Claim 8, line 5, "the" (second occurrence) should be changed to --a--;

Claim 9, line 2, "the" should be deleted;

Claim 10, line 2, "the" (first occurrence) should be deleted;

Claim 11, lines 10 and 12, "predeterminable" should be changed to --predetermined--;

Claim 12, line 3, "can be" should be changed to --is--;

Claim 12, line 8, "the" (second occurrence) should be changed to --a--;

Claim 15, line 4, "the" (first occurrence) should be changed to --a--;

Claim 15, line 5, "the" (first occurrence) should be changed to --a--;

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Claim 16, line 4, "the" (first occurrence) should be changed to --a--;

Claim 16, line 5, "the" (first occurrence) should be changed to --a--;

Claim 17, line 1, "6wherein" should be changed to --6 wherein--;

Claim 17, line 4, "the" (first occurrence) should be changed to --a--;

Claim 17, line 5, "the" (first occurrence) should be changed to --a--;

Claim 18, line 4, "the" (first occurrence) should be changed to --a--;

Claim 18, line 5, "the" (first occurrence) should be changed to --a--;

Claim 19, line 4, "the" (first occurrence) should be changed to --a--; and

Claim 19, line 5, "the" (first occurrence) should be changed to --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Kominami et al. (U.S. Patent No. 6,424,100).

With respect to claim 11, Kominami et al. discloses, in Figs. 1 and 2, a ballast for operating fluorescent lamps; the ballast has (1) an inverter [11, 12] having semiconductor switches [11, 12] which are arranged in a bridge circuit, (2) a control apparatus [4, 10] for the semiconductor switches [11, 12], and (3) a load circuit [13, 14, 1, 5, 6 15] which is formed of a resonant circuit and is connected to the inverter, having terminals (at [5, 6]; see Fig. 1) for one fluorescent lamp [1]; wherein the control apparatus has (i) means [10] for varying the switching frequency of the semiconductor switches (see col. 5, lines 53-54) in order to set the power consumption of the fluorescent lamp to a predetermined value (see col. 3, lines 24-27; col. 3, line 64 – col. 4, line 6), and (ii) means [4] for stabilizing the power consumption of the fluorescent lamp at the predetermined value (see col. col. 4, lines 1-12; col. 7, lines 2-10).

Allowable Subject Matter

7. Claims 1-10 and 12-19 all would be allowed if claims 1-3, 6-12, and 15-19 were corrected to overcome the objections set forth in this Office Action.

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest a method for operating fluorescent lamps wherein, in addition, the power consumption of the at least one fluorescent lamp is stabilized at a predetermined value by means of a second control loop, which is passed through a shorter time intervals than the first control loop, in combination with the remaining claimed limitations as called for in independent claim 1 (claims 2-10 and 12-19 would be allowable since they are dependent on claim 1).

Citation of relevant prior art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Kosa et al. (U.S. Patent No. 6,605,905) discloses a discharge lamp driving apparatus.

Prior art Hui et al. (U.S. Patent No. 6,414,449) discloses a universal electronic ballast.

Prior art Bogdan (U.S. Patent No. 6,040,661) discloses a programmable universal lighting system.

Prior art Wacyk et al. (U.S. Patent No. 5,798,620) discloses a fluorescent dimming apparatus.

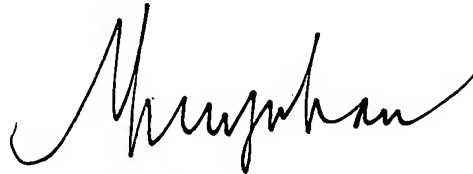
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', is positioned above the printed name and title.

Thuy V. Tran
Primary Examiner
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10/22/2004